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MAY 22 2007

Application Number 10/783,999
Responsive to Office Action mailed November 22, 2006

REMARKS

This is responsive to the Office Action dated November 22, 2006. Applicants thank the Examiner for the attention to this application.

Priority

Applicants submit that a certified copy of the Canadian 2,419,502 application was filed on May 11, 2004. Applicants respectfully submit that while some details have been added to the present application, the heart of the same invention in the priority application is described and claimed in the present application.

Restriction Under 35 U.S.C. § 121

Applicants have reserved the right to file a divisional application to pursue withdrawn claims 17-20.

Claim Rejection Under 35 U.S.C. § 101

The Examiner has rejected claims 12-16 as being directed towards nonstatutory subject matter. Applicants respectfully request reconsideration.

The Examiner has stated that claims 12-16 fail to recite a tangible result. Applicants respectfully submit that the transformation of a body of data into dimension-based partitioned cubes is a useful, real-world, result of claim 12 (and thus claims 13 to 16 as well). Applicants note that the specification provides detailed examples of such a method where the dimension is time.

The transformation includes the steps of partitioning the data which results in the useful, real-world, result of data being partitioned into one or more dimension based partitions. Also, the steps of creating member cubes and creating a control cube result in the useful, real-world result of the member cubes that correspond to the one or more dimension-based partitions and a control cube for representing the data distributed over the member cubes.

It is submitted that it is implicit to one skilled in the art that such transformations are recorded in a computer readable memory.

Applicants trust that the Examiner now agrees that claims 12-16 comply with 35 U.S.C. 101.

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Claim Rejection Under 35 U.S.C. § 102

The Examiner has rejected claims 1-6, 9, and 11-13 as being anticipated by Yeh. Applicants respectfully request reconsideration of these rejections.

As to **claim 1**, Applicants submit that the summary cubes of Yeh are not identical to the control cubes of the present invention. The summary cubes of Yeh appear to contain the upper level members while the control cubes as claimed in the present invention are for accessing the member cubes.

As to **claim 2**, Applicants submit that Yeh teaches at column 6, lines 48-51 that detail cubes have the same dimensionality as summary cube except their target dimensions are partitioned. This does not teach a control cube having an entire partitioned dimension relative to the member cubes.

As to **claim 3**, Applicants submit that Figure 5 of Yeh discloses a listing of shared dimensions of cubes and possibly locations of data, but does not disclose measures.

As to **claim 4**, Applicants submit that Figures 1 and 5 of Yeh disclose that groupings of data can have a time dimension, but do not show data partitioned along a time dimension.

As to **claim 5**, Applicants submit that Yeh does not disclose the elements of this claim for the same reasons set out above with respect to claims 1 to 4.

As to **claim 11**, Applicants submit that column 7, lines 12-23 of Yeh do not teach a member cube being the control cube.

As to **claim 12**, Applicants submit that the summary cubes of Yeh do not represent data distributed over the detailed cubes. Rather, the summary cubes of Yeh appear to contain the upper level members while the control cubes as claimed in the present invention are for representing the data distributed over the member cubes.

As to **claim 13**, Applicants submit that Figures 1 and 5 of Yeh disclose that groupings of data can have a time dimension, but do not show data partitioned along a time dimension.

Applicant trusts that the Examiner now agrees that claims 1-6, 9, and 11-13 are patentable over Yeh.

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Claim Rejection Under 35 U.S.C. § 103

The Examiner has rejected claims 7, and 14-16 as being unpatentable over Yeh as applied to claim 13 and further in view of the Joy Mundy reference. Applicants respectfully request reconsideration of these rejections.

As to claims 7 and 14-16: As set out above, Applicants submit that Figures 1 and 5 of Yeh disclose that groupings of data can have a time dimension, but do not show data partitioned along a time dimension.

Moreover, Applicants note that the assignee of the Yeh reference is the same entity that purports to own the Joy Mundy reference which was published prior to the Yeh reference. As such, Applicants submit that if it were obvious to a skilled person to combine these two references together, Yeh would have included any Joy Mundy functionality in its disclosure.

Applicant trusts that the Examiner now agrees that claims 7 and 14-16 are patentable over Yeh as applied to claim 13 and further in view of the Joy Mundy reference.

The Examiner has rejected claims 8 and 10 as being unpatentable over Yeh as applied to claims 5 and 9, and further in view of the Pasumansky et al. Applicants respectfully request reconsideration of these rejections.

As to claims 8 and 10: As set out above, Applicants submit that:

- The summary cubes of Yeh are not identical to the control cubes of the present invention. The summary cubes of Yeh appear to contain the upper level members while the control cubes as claimed in the present invention are for accessing the member cubes.
- Yeh teaches at column 6, lines 48-51 that detail cubes have the same dimensionality as summary cube except their target dimensions are partitioned. This does not teach a control cube having an entire partitioned dimension relative to the member cubes.
- Figure 5 of Yeh discloses a listing of shared dimensions of cubes and possibly locations of data, but does not disclose measures.
- Figures 1 and 5 of Yeh disclose that groupings of data can have a time dimension, but do not show data partitioned along a time dimension.

Moreover, Applicants note that Pasumansky et al. issued prior to Yeh. As such, Applicants submit that if it were obvious to a skilled person to combine these two references together, Yeh would have included any Pasumansky et al. functionality in its disclosure.

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Applicant trusts that the Examiner now agrees that claims 7 and 14-16 are patentable over Yeh as applied to claims 5 and 9, and further in view of the Pasumansky et al.

CONCLUSION

It is submitted that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

Prompt and favorable consideration of this Response is respectfully requested.
Please charge any additional fees or credit any overpayment to deposit account number 50-1778.
The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

May 22, 2007

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